



## U.S. Environmental Protection Agency

Region 1 – New England  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**DEC 21 2016**

Robert Denise  
Facilities Director  
Facilities & Operations Department  
Lawrence General Hospital  
1 General Street  
Lawrence, MA 01841

Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
EPA Docket No. CWA-308-R01-FY17-23

Dear Mr. Denise:

On July 25, 2016, the Environmental Protection Agency ("EPA") sent Lawrence General Hospital (the "Hospital") a Request for Information Pursuant to Section 308 of the Clean Water Act (EPA Docket No. CWA-308-R01-FY16-73, "July 2016 Request").

On August 31, 2016, the Hospital provided preliminary responses to the July 2016 Request.

On September 19, 2016, EPA sent a letter to the Hospital extending the schedule for provision of certain information required by the July 2016 Request.

On November 1, 2016, the Hospital provided additional responses to the July 2016 Request.

On November 8, 2016, the Hospital provided EPA with results from sampling, performed on October 31, 2016, and November 4, 2016, in the Hospital's storm drain system. The sample collected at the location "DMH-3 12-inch In" on October 31, 2016, was found to contain *E. coli* bacteria of greater than 2,420 colony forming units per 100 milliliters. This observation is consistent with the presence of sanitary wastewater in the Hospital's discharges to the Spicket River from Outfall 2.

In a telephone conversation on December 5, 2016, Hospital representatives stated that they believed that leakage from a trash compactor may be the source of the *E. coli* observed on October 31, 2016.

Section 308(a) of the Clean Water Act (the "Act"), 33 U.S.C. § 1318(a), authorizes EPA to require the owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act.

The Hospital is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), to respond to this Request for Information (the "Request") **by April 1, 2017**. Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachment B as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment C, is attached to this letter.

Information submitted pursuant to this Request shall be in writing and **shall be provided in hardcopy and in an electronic format** to EPA at the following addresses:

John Melcher  
Mail Code: OES04-1  
US EPA, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
melcher.john@epa.gov

Information submitted pursuant to this Request **shall also be provided in an electronic format** to Nihar Mohanty at the MassDEP at [nihar.mohanty@state.ma.us](mailto:nihar.mohanty@state.ma.us).

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

If you have questions regarding this Request, please contact John Melcher, Enforcement Officer, of my staff at (617) 918-1663 or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel at (617) 918-1796.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Electronic cc: John Melcher, US EPA  
Jeffrey Kopf, US EPA  
Lee Bernard, Lawrence General Hospital  
Robert Denise, Lawrence General Hospital  
Nihar Mohanty, MassDEP  
Sheryl Rosner, US EPA  
Brad Buscher, Groundwork Lawrence  
Daniel Lahiff, City of Lawrence

Enclosures:

- Attachment A – Instructions
- Attachment B – Request
- Attachment C – Statement of Certification

## **Attachment A**

### **Instructions**

1. Provide a separate narrative response to each and every item and subpart thereof set forth in this Request. Precede each response with the text and the number of the item and the subpart to which the response corresponds.
2. If you cannot respond to any item in full, respond to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to respond to the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the item and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify EPA of this finding as soon as possible and provide a corrected response.



## **Attachment B**

### **Request**

1. Provide a summary of the actions taken by the Hospital to prevent discharge of liquids into the storm drainage system from the Hospital's trash compactor(s).
2. Following the implementation of actions to prevent discharge of liquids into the storm drainage system from the Hospital's trash compactor(s), collect grab samples, during both wet weather and dry weather, at the following locations:
  - Outfall No. 1,
  - Outfall No. 2, and
  - DMH-3 12-inch In.

For purposes of this Request, wet weather shall be defined as the first 30 minutes of a storm event greater than or equal to 0.1 inches in magnitude that occurs at least 72 hours from any previous storm event of greater than or equal to 0.1 inches.

For purposes of this Request, dry weather shall be defined as at least 24 hours from any storm event of greater than or equal to 0.1 inches.

For the wet-weather sample, provide the date and time that the storm event began, the date and time that the sample was collected, the total depth of the storm event, the date of the previous storm event, and the depth of the previous storm event.

For the dry-weather sample, provide the date and the depth of the most recent storm event at the time the sample was collected.

All samples shall be analyzed for *E. coli* bacteria according to the methods prescribed in Title 40, Code of Federal Regulation ("CFR"), Part 136. Provide the results of these analyses.

Provide (a) site plan(s) showing each sampling location.

## **Attachment C**

### **Statement of Certification**

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of Lawrence General Hospital. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)